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10/809,976	03/26/2004	Richard I. Brass	4330	7908

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EXAMINER
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SAMS, MATTHEW C

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,976	<b>Applicant(s)</b> BRASS ET AL.	
	<b>Examiner</b> Matthew C. Sams	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on 6/12/2006.
2. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 22-37 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Stein. (US-5,628,055)

Regarding claim 22, Stein teaches a system for handling phone services (Fig. 14) comprising a computing device (Fig. 14 [313]) without an internal audio input/output device but with at least one standalone operating state (Col. 1 lines 17-24 e.g. data processing) and a telecommunications interface for coupling to a mobile phone network (Fig. 2, Fig. 14 and Col. 5 lines 28-51), the telecommunications interface operable to receive data from the mobile phone network including at least some audio. (Col. 2 lines 37-64) Stein teaches an audio input and output device (Fig. 14 [316 & 320]) external to the computing device (Fig. 14 [313]) with a network interface (Fig. 14 [318]) for coupling

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with the computing device to receive audio from the mobile phone network via the telecommunications interface at the computing device. (Col. 4 line 20 through Col. 5 line 51, Fig. 14 and Col. 9 line 40 through Col. 10 line 3)

Regarding claim 23, Stein teaches the network interface for coupling with the computing device to receive audio from the mobile phone network comprises a network interface for coupling with the computing device to send audio to the mobile phone network. (Col. 9 line 40 through Col. 10 line 3)

Regarding claim 24, Stein teaches the telecommunications interface for coupling to the mobile phone network comprises a Global System for Mobile Communications network. (Fig. 2 [23])

Regarding claim 25, Stein teaches the telecommunications interface for coupling to the mobile phone network comprises a Code Division Multiple Access network. (Fig. 2 [26])

Regarding claim 26, Stein teaches the telecommunications interface for coupling to the mobile phone network comprises a General Packet Radio Services network. It is the examiner's opinion that since GPRS is the 2.5-generation version of always on packet radio services for the GSM system, claim 7 is rejected for the same reason stated above in claim 5. (Fig. 2 [23] and Col. 4 lines 20-32)

Regarding claim 27, Stein teaches the telecommunications interface for coupling to the mobile phone network comprises a Global System for Mobile Communications Internet Protocol network. (Fig. 2 [23] and Col. 4 lines 20-32)

Regarding claim 28, Stein teaches the network interface for coupling with the computing device comprises a personal area network interface. (Stein Col. 10 lines 15-25)

Regarding claim 29, Stein teaches the network interface for coupling with the computing device comprises a local area network interface. (Stein Col. 2 lines 18-26)

Regarding claim 30, Stein teaches the network interface for coupling with the computing device comprises a wide area network interface. (Col. 2 lines 18-26, Fig. 2 [23-26])

Regarding claim 31, Stein teaches the audio input and output device external to the computing device comprises a headset. (Fig. 14 [316 & 320] and Col. 9 line 40 through Col. 10 line 3)

Regarding claim 32, Stein teaches the audio input and output device external to the computing device comprises a conference station. (Stein Fig. 14 [316 & 320] and Col. 9 line 40 through Col. 10 line 3) It is the examiner's opinion that a headset functions the same as a microphone and speaker.

Regarding claim 33, Stein teaches a display coupled to the computing device. (Fig. 14 [313] and Col. 10 lines 15-25)

Regarding claim 34, Stein teaches a display comprises a notification indicator. (Col. 10 lines 4-25)

Regarding claim 35, Stein inherently teaches a notification indicator in a display comprises a light. (Col. 10 lines 4-25)

Regarding claim 36, Stein teaches a display uses visual representations. (Col. 10 lines 4-25)

Regarding claim 37, Stein teaches a keyboard (Fig. 14 [313]) for providing input to the computing device.

Regarding claim 39, Stein teaches a system for handling phone services (Fig. 14) comprising a computing device (Fig. 14 [313]) without an internal audio input/output device but with a telecommunications interface for coupling to a mobile phone network and operable to receive data from the mobile phone network including at least some audio data. (Fig. 2, Fig. 14 and Col. 4 line 20 through Col. 5 line 51) Stein teaches an audio input and output device (Fig. 14 [316 & 320]) external to the computing device (Fig. 14 [313]) with a network interface (Fig. 14 [318]) for coupling with the computing device to receive audio from the mobile phone network at the computing device including at least some audio data. (Col. 4 line 20 through Col. 5 line 51, Fig. 14 and Col. 9 line 40 through Col. 10 line 3)

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein (US-5,628,055) in view of Anjum et al. (US 2003/0099212 hereafter, Anjum).

Regarding claim 1, Stein teaches a system for handling phone services (Fig. 14) comprising a computing device (Fig. 14 [313]) without an internal audio input/output device but with at least one standalone operating stand and having a telecommunications interface for coupling to a mobile phone network, the telecommunications interface operable to receive data from the mobile phone network including at least some audio data. (Fig. 2, Fig. 14, Col. 4 line 20 through Col. 5 line 51 and Col. 9 line 40 through Col. 10 line 3) Stein teaches the use of WLAN for communicating data between PCs (Col. 2 lines 18-26) and receiving data from the mobile phone network via a telecommunications interface at the computing device including at least some audio data (Col. 4 line 20 through Col. 5 line 51), but differs from the claimed invention by not explicitly reciting a computer without a telecommunications interface but with a network interface for coupling with the computing device.

In an analogous art, Anjum teaches an efficient piconet formation in a wireless network that includes a master device (Fig. 1 [M1]) with access to a network (Fig. 1 [100]) and a slave device (Fig. 1 [S1]) that accesses the network (Fig. 1 [100]) through the master device. (Fig. 1 [M1] and Page 2 [0022-0023]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Stein in a computing device after modifying it to act as a master device in a network with master/slave relationships when the slave devices do not have a telecommunications interface of Anjum. One of ordinary skill in the art would have been motivated to do this since it minimizes the complexity (which in turn lowers cost) of the slave devices, limits the number of simultaneous telecommunication connections being

paid for and increases the number of device with access to the telecommunication network.

Regarding claim 2, Stein in view of Anjum teaches an audio input and output device (Stein Fig. 14 [316 & 320]) external to the computing device (Stein Fig. 14 [313]) with a network interface (Stein Fig. 14 [318]) for coupling with the computing device to receive audio from the mobile phone network. (Stein Col. 9 line 40 through Col. 10 line 3)

Regarding claim 3, Stein in view of Anjum teaches the network interface for coupling with the computing device to receive data from the mobile phone network (Stein Fig. 2 [22-26]) includes the ability for the computing device to send data to the mobile phone network. (Stein Col. 5 lines 28-51)

Regarding claim 4, Stein in view of Anjum teaches the network interface for coupling with the computing device to receive audio from the mobile phone network comprises a network interface for coupling with the computing device to send audio to the mobile phone network. (Stein Col. 9 line 40 through Col. 10 line 3)

Regarding claim 5, Stein in view of Anjum teaches the telecommunications interface for coupling to the mobile phone network comprises a Global System for Mobile Communications network. (Stein Fig. 2 [23])

Regarding claim 6, Stein in view of Anjum teaches the telecommunications interface for coupling to the mobile phone network comprises a Code Division Multiple Access network. (Stein Fig. 2 [26])



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Regarding claim 7, Stein in view of Anjum teaches the telecommunications interface for coupling to the mobile phone network comprises a General Packet Radio Services network. It is the examiner's opinion that since GPRS is the 2.5-generation version of always on packet radio services for the GSM system, claim 7 is rejected for the same reason stated above in claim 5. (Stein Fig. 2 [23] and Col. 4 lines 20-32)

Regarding claim 8, Stein in view of Anjum teaches the telecommunications interface for coupling to the mobile phone network comprises a Global System for Mobile Communications Internet Protocol network. (Stein Fig. 2 [23] and Col. 4 lines 20-32)

Regarding claim 9, Stein in view of Anjum teaches the network interface for coupling with the computing device comprises a personal area network interface. (Stein Col. 10 lines 15-25 and Anjum Page 1 [0002-0003] & Page 2 [0022])

Regarding claim 10, Stein in view of Anjum teaches the network interface for coupling with the computing device comprises a local area network interface. (Stein Col. 2 lines 18-26)

Regarding claim 11, Stein in view of Anjum teaches the network interface for coupling with the computing device comprises a wide area network interface. (Stein Col. 2 lines 18-26, Fig. 2 [23-26] and Anjum Page 2 [0022-0023])

Regarding claim 12, Stein in view of Anjum teaches the audio input and output device external to the computing device comprises a headset. (Stein Fig. 14 [316 & 320] and Col. 9 line 40 through Col. 10 line 3)

Regarding claim 13, Stein in view of Anjum teaches the audio input and output device external to the computing device comprises a conference station. (Stein Fig. 14 [316 & 320] and Col. 9 line 40 through Col. 10 line 3) It is the examiner's opinion that a headset functions the same as a microphone and speaker.

Regarding claim 14, Stein in view of Anjum teaches a display coupled to the computing device. (Stein Fig. 14 [313] and Col. 10 lines 15-25)

Regarding claim 15, Stein in view of Anjum teaches a display comprises a notification indicator. (Stein Col. 10 lines 4-25)

Regarding claim 16, Stein in view of Anjum obviously teaches a notification indicator in a display comprises a light. (Stein Col. 10 lines 4-25)

Regarding claim 17, Stein in view of Anjum teaches a display uses visual representations. (Stein Col. 10 lines 4-25)

Regarding claim 18, Stein in view of Anjum teaches a keyboard (Stein Fig. 14 [313]) for providing input to the computing device.

Regarding claim 40, Stein teaches a system for handling phone services (Fig. 14) comprising a computing device (Fig. 14 [313]) without an internal audio input/output device but with a telecommunications interface for coupling to a mobile phone network. (Fig. 2, Fig. 14 and Col. 5 lines 28-51) Stein teaches an audio input and output device (Fig. 14 [316 & 320]) external to the computing device (Fig. 14 [313]) with a network interface (Fig. 14 [318]) for coupling with the computing device to receive audio from the mobile phone network. (Col. 9 line 40 through Col. 10 line 3) Stein discloses the use of WLAN for communicating data between PCs (Col. 2 lines 18-26), but differs from the

claimed invention by not explicitly reciting a computer without a telecommunications interface but with a network interface for coupling with the computing device.

In an analogous art, Anjum teaches an efficient piconet formation in a wireless network that includes a master device (Fig. 1 [M1]) with access to a network (Fig. 1 [100]) and a slave device (Fig. 1 [S1]) that accesses the network (Fig. 1 [100]) through the master device. (Fig. 1 [M1] and Page 2 [0022-0023]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Stein in a computing device after modifying it to act as a master device in a network with master/slave relationships when the slave devices do not have a telecommunications interface of Anjum. One of ordinary skill in the art would have been motivated to do this since it minimizes the complexity (which in turn lowers cost) of the slave devices, limits the number of simultaneous telecommunication connections being paid for and increases the number of device with access to the telecommunication network.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Anjum as applied to claim 1 above, and further in view of Chen et al. (US2004/0178987 hereafter, Chen).

Regarding claim 19, Stein in view of Anjum teaches a keyboard (Stein Fig. 14 [313]), but differs from the claimed invention by not explicitly reciting a button dedicated for operating a particular application.

In an analogous art, Chen teaches a remote-controlled variable function apparatus that includes a display, with a notification indicator that is a light (Page 4

[0064]) and a button that controls a specified action. (Page 12 [0126]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Stein in view of Anjum after modifying the computing device with a dedicated key for a specific program as incorporated by Chen. One of ordinary skill in the art would have been motivated to do this since having a dedicated key for particular application allows for easy access to a commonly function.

8. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Anjum as applied to claim 1 above, and further in view of Little et al. (US 2004/0172531 hereafter, Little).

Regarding claim 20, Stein in view of Anjum teaches system for handling phone services as show above in claim 1, but differs from the claimed invention by not explicitly reciting coupling an authentication host to the computing device.

In an analogous art, Little teaches a system and method of secure authentication information distribution for a remote device that includes an authentication interface for communicating authentication information to the computing device. (Fig. 2 [42] and Page 3 [0036]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Stein in view of Anjum to include an authentication interface as incorporated by Little. One of ordinary skill in the art would have been motivated to do this since it allows the identity of a remote user to be verified by a computer network and protects the secure information. (Little Page 3 [0035-0036])

Regarding claim 21, Stein in view of Anjum and Little teaches the authentication interface comprises USB connectivity and smart card functionality for the computing device to operate as a readerless smart card. (Little Page 3 [0036])

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Chen et al. (US2004/0178987 hereafter, Chen).

Regarding claim 38, Stein teaches a keyboard (Fig. 14 [313]), but differs from the claimed invention by not explicitly reciting a button dedicated for operating a particular application.

In an analogous art, Chen teaches a remote-controlled variable function apparatus that includes a display, with a notification indicator that is a light (Page 4 [0064]) and a button that controls a specified action. (Page 12 [0126]) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Stein after modifying the computing device with a dedicated key for a specific program as incorporated by Chen. One of ordinary skill in the art would have been motivated to do this since having a dedicated key for particular application allows for easy access to a commonly function.

### ***Response to Arguments***

10. Applicant's arguments filed 5/25/2006 have been fully considered but they are not persuasive.

In response to the applicant's argument regarding claim 22 that "the headsets disclosed by Stein do not have any kind of network interface" (Page 14 Para 1), the examiner disagrees.

The examiner would like to point out the claim states "the audio input and output device having a **network interface for coupling with the computing device**". Stein teaches the headsets include a network interface by disclosing "the user can use the option of telephonic communication by simply connecting a headset 316 through an infra red connection 318" to the laptop. (Fig. 14 [313, 316 & 318]) Claim 22 does not state that the audio input and output device is receiving audio directly from the mobile phone network, but rather "via the telecommunications interface at the computing device". Therefore, Stein teaches the limitations of claim 22.

In response to the applicant's argument regarding "a standalone operating state" (Page 14 Para 2), the examiner disagrees.

Stein teaches a laptop computer that has a standalone operating state. (Col. 1 lines 17-24) It is the examiner's opinion that the PC Card, although removable, cannot function without the laptop computer, therefore, the laptop and the PC Card together are assumed to be a single device.

In response to the applicant's argument regarding claims 9 and 28 that "Stein does not teach a network interface within any audio device" (Page 15 Para 1 & Page 21 Para 1), the examiner disagrees.

Stein teaches an infrared connection between the headset and the laptop computer (Fig. 14 [318]), which qualifies as a personal area network. As is well known in the art, an infrared connection can be used for sending data between devices as well as transporting audio signals.

In response to the applicant's argument regarding claim 39 that an infrared port is "for audio signals alone and cannot be construed as a network type interface" (Page 16 Para 1), the examiner disagrees.

The claim clearly states, "means for coupling an **audio input and output device** (headset) to the computing device (laptop) for **receiving audio**" (infrared connection), which is clearly taught by Stein in Col. 10 lines 15-25 and Fig. 14. Further, it is well known in the art that infrared is used in remote controls for televisions and between laptops and PDAs for short range communication.

In response to the applicant's argument regarding claim 1 that "the headsets cannot receive data from the network via the computing device", the examiner disagrees.

Stein states "Due to the fact that the system for a cellular phone is already in the computer by virtue of the module 31 secured within slot 314, the user can use the option of telephonic communication by simply connecting a headset 316 through an infra red connection 318". (Col. 10 lines 18-22) Therefore, Stein teaches the headset

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receives telephonic communication from a network (infrared) through a computing device (laptop).

In response to the applicant's argument regarding Anjum (Page 19 Para 1), the examiner disagrees.

Anjum teaches a master device (Stein's laptop) with access to a network (cellular network), which has slave devices connecting to the network through the master device. The examiner is using Anjum to show that this network topology consisting of one expensive, complicated device (master) and many cheaper, less complicated devices (slaves) are commonly known in the art.

In response to applicant's argument that "the motivation to combine this disparate art is tenuous at best", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to the applicant's argument regarding "a standalone operating state" (Page 20 Para 1), the examiner disagrees.



Stein teaches a laptop computer that has a standalone operating state. (Col. 1 lines 17-24) It is the examiner's opinion that the PC Card, although removable, cannot function without the laptop computer, therefore, the laptop and the PC Card together are assumed to be a single device.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS  
8/17/2006

  
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